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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 08-00110 DLJ |
| |) | |
| Plaintiff, |) | STIPULATION TO RESCHEDULE |
| |) | SENTENCING HEARING; [PROPOSED] |
| v. |) | ORDER |
| |) | |
| ANTIONE DEMETRIUS SMITH, |) | |
| |) | |
| Defendant. |) | |

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find and order as follows:

1. Defendant Antione Demetrius Smith is currently scheduled to appear before this Court on August 1, 2008, for imposition of judgment and sentence.

2. The parties request that the sentencing hearing be continued to September 5, 2008, in order to provide defendant additional time to attempt to satisfy the requirements of U.S.S.G. § 5C1.2(a)(5) and 18 U.S.C. § 3553(f)(5) and to provide the government additional time to evaluate whether those efforts were successful and thus whether or not the government will recommend that defendant receive the benefit of the safety-valve provision, namely, a sentence below the otherwise applicable mandatory minimum sentence. The parties therefore agree and

1 respectfully request that the currently scheduled sentencing hearing be vacated and that
2 sentencing be scheduled for 10:00 a.m. on September 5, 2008.

3 IT IS SO STIPULATED.

4 DATE: July 29, 2008

Respectfully submitted,

5 JOSEPH P. RUSSONIELLO
6 United States Attorney

7 /s/
8 GARTH HIRE
Assistant United States Attorney

9 Attorneys for Plaintiff
10 UNITED STATES OF AMERICA

11 DATE: July 29, 2008

12 /s/
13 GARRICK LEW, ESQ.
Counsel for Antione Demetrius Smith

14 **[PROPOSED] ORDER**

15 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

16 The currently scheduled August 1, 2008, sentencing hearing is hereby vacated and a new
17 sentencing hearing is hereby scheduled for 10:00 a.m. on September 5, 2008.

18
19 DATED: _____

20 HONORABLE D. LOWELL JENSEN
21 UNITED STATES DISTRICT JUDGE
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